

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 22-1377 (MN) (JLH)
v.)	
)	
MASIMO CORPORATION and SOUND)	
UNITED, LLC,)	
)	
Defendants.)	
)	

DEFENDANTS’ MOTION TO STAY

Defendants Masimo Corporation and Sound United, LLC move for an order staying only the expert report and discovery deadlines related to design patent obviousness pending the Federal Circuit’s en banc opinion in *LKQ Corp. v. GM Glob. Tech. Operations LLC*, 71 F.4th 1383 (Fed. Cir. 2023). The grounds for this motion are set forth in Defendants’ Opening Brief and the Declaration of James E. Youngblood in Support of Defendants’ Motion to Stay, both of which are filed concurrently herewith.

Pursuant to District of Delaware Local Rule 7.1.1, counsel for Defendants certify that they met and conferred with opposing counsel regarding Defendants’ Motion to Stay, and reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the motion, but Plaintiff Apple Inc. indicated that it would oppose the motion.

Respectfully submitted,

September 7, 2023

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[PROPOSED] ORDER

At Wilmington, this _____ day of _____, 2023, having considered Defendants' Motion to Stay and the papers submitted in connection therewith;

IT IS HEREBY ORDERED THAT Defendants' Motion for Stay is GRANTED. Deadlines for exchanging expert reports and conducting expert discovery regarding obviousness of the Apple Design Patents are hereby stayed. The parties shall promptly notify the Court when the Federal Circuit issues its en banc decision in *LKQ Corp. v. GM Glob. Tech. Operations LLC*, 71 F.4th 1383 (Fed. Cir. 2023).

The Honorable Jennifer L. Hall
United States Magistrate Judge